

16781. Adulteration and misbranding of Dakol nasal cream. U. S. v. 22 Cartons, et al., of Dakol Nasal Cream. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23965, 24070. I. S. Nos. 021026, 021177. S. Nos. 2184, 2296.)

On August 20, 1929, and September 17, 1929, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 29 packages and 22 cartons of Dakol nasal cream, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the New Haven Laboratories (Inc.), from New Haven, Conn., in part on or about June 10, 1929, and in part on or about June 25, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, chloramine-T (0.25 per cent), volatile oils including menthol, and a small amount of a saponifiable fat. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard under which it was sold, viz (tube) "Antiseptic."

Misbranding was alleged for the reason that the statements on the tube, "Antiseptic," and on the carton, "Coat tip on tube with Dakol—to Antisepticize," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, borne on the labeling, (tube) "For * * * relief of * * * catarrh, influenza, bronchitis, whooping cough, hay fever, sore throat, asthma * * * To prevent nose and throat infection. Squeeze * * * Dakol * * * on * * * finger * * * into each nostril," (all cartons) "For the relief of * * * bronchitis, catarrh, whooping cough, hay fever, sore throats and asthma. For the prevention of contagious diseases contracted through nose and throat," "Insert tip * * * into nostril * * * pinch tube and draw deep, long breath through nose until Dakol reaches the throat," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was effective in the treatment of disease or the prevention thereof.

On September 13, 1929 and October 18, 1929, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16782. Misbranding of Nozeline. U. S. v. 68 Packages of Nozeline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23387. I. S. No. 02869. S. No. 1560.)

On February 15, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 68 packages of Nozeline at Jersey City, N. J., alleging that the article had been shipped by the Nozeline Laboratory, Long Island City, N. Y., on or about January 12, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing about 2 per cent of volatile matter, including eucalyptol, oil of pine, menthol, and camphor.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (label) "For Catarrh, Hay Fever * * * For Nose or Throat ailments," (carton) "A * * * Healing Application for * * * Hay Fever, Catarrh and Nasal Affections. A few drops in the nostril will afford easy breathing and prompt relief," (display carton) "Nozeline A Few Drops a Day